

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL DISTRICT
WILL COUNTY, ILLINOIS**

Anayeli Regalado, as Special Administrator)
of the Estate of Eric Vukmir, deceased, and)
on behalf of M.V., a minor, as her legal)
guardian,)
Plaintiff,) 2022LA000533
v.) NO
Gosselin Express Ltee, and)
Michel Gilbert,)
Defendants.)

COMPLAINT AT LAW

NOW COMES the Plaintiff, Anayeli Regalado, as Special Administrator of the Estate of Eric Vukmir, deceased, and on behalf of M.V., a minor, as her legal guardian, by and through her attorneys, Parente & Norem, P.C. and The Tomczak Law Group, and for her Complaint at Law against Defendants, Gosselin Express, Ltee and Michel Gilbert, states as follows:

Count I – Wrongful Death – Michel Gilbert

- 1) On August 10, 2022, and at all times relevant herein, Plaintiff's decedent, Eric Vukmir, was a resident of Will County.
- 2) On August 10, 2022, and at all times relevant herein, Defendant Gosselin Express, Ltee was a Canadian corporation doing business in Will County, Illinois, and authorized to engage in interstate transportation under U.S. DOT number 19242, and authorized to do business in Illinois under Illinois Commerce Commission number 31795.
- 3) On August 10, 2022, and at all times relevant, Michel Gilbert was a Canadian resident who regularly operated a tractor-trailer in and through Will County, Illinois.

Initial case management set for
12/07/2022 at 9:00 a.m.

Exhibit 1

4) On August 10, 2022, Michel Gilbert was the duly authorized agent or employee of Gosselin Express, Ltee, and was driving under the operating authority of Gosselin Express, Ltee.

5) On August 10, 2022, Michel Gilbert was operating a 2020 Peterbuilt T17 tractor trailer with license plates RG7969L, exiting the property of 1400 Remington Blvd., Bolingbrook, Will County, Illinois, with the intention of turning left onto Remington Blvd., and proceeding northbound on Remington Blvd.

6) At that same time and place, Plaintiff's decedent, Eric Vukmir was proceeding southbound on Remington Blvd., near the private drive for 1400 Remington Blvd., Bolingbrook, Will County, Illinois.

7) That it then and there became and was the duty of the Defendant, Michel Gilbert, to exercise due care for the safety of other motorists, including but not limited to Plaintiff.

8) Notwithstanding the aforesaid duty, Defendant, Michel Gilbert, breached that duty in one or more of the following careless and negligent ways:

- a) Did not keep a proper lookout;
- b) Operated the vehicle at a speed greater than was reasonable and proper under the existing circumstances, contrary to and in violation of 625 ILCS 5/11-601;
- c) Did not reduce speed to avoid a collision, contrary to and in violation of 625 ILCS 5/11-601;
- d) Did not yield the right of way to all vehicles approaching on the highway when exiting a private drive and crossing a highway, contrary to and in violation of 625 ILCS 5/11-906;
- e) Operated a vehicle while fatigued;
- f) Pulled in front of a motorcycle when it was unsafe to do so;

g) Did not decrease his speed so as to avoid colliding with the automobile which plaintiff was driving, contrary to and in violation of 625 ILCS 5/11-601; and,

h) Otherwise carelessly and negligently operated the vehicle.

9) As a direct and proximate result of one or more of the foregoing negligent acts or omissions, the tractor-trailer operated by Defendant Gilbert entered the lane of travel of Plaintiff's decedent when it was unsafe to do so, resulting in a collision between the motorcycle operated by Plaintiff's decedent and the tractor-trailer operated by Defendant Gilbert.

10) As a direct and proximate result of the collision between the tractor-trailer and the motorcycle, the Plaintiff sustained personal injuries and died.

11) Plaintiff's decedent is survived by his daughter, M.V., a minor, age 4. Anayeli Regalado is the mother of M.V., a minor.

12) That by virtue of the foregoing, M.V. has been deprived of the love, affection, care, attention, companionship, comfort, guidance, and protection of Eric Vukmir, and has in the past and will in the future experience grief, sorrow and mental suffering.

13) This claim is brought pursuant to the Illinois Wrongful Death Act, 740 ILCS 108/1, et. seq., which was in full force and effect at the time of the death of the decedent.

WHEREFORE the Plaintiff, Anayeli Regalado, as Special Administrator of the Estate of Eric Vukmir, deceased, and on behalf of M.V., a minor, as her legal guardian, by and through her attorneys, Parente & Norem, P.C. and The Tomczak Law Group, pray for judgment against Defendant Michel Gilbert, in excess of the jurisdictional limits of this Court, plus costs of this fees, costs and interest, together with all other relief this Court deems just and proper.

Count II – Wrongful Death – Gosselin Express, Ltee.

- 1) On August 10, 2022, and at all times relevant herein, Plaintiff's decedent, Eric Vukmir, was a resident of Will County.
- 2) On August 10, 2022, and at all times relevant herein, Defendant Gosselin Express, Ltee was a Canadian corporation doing business in Will County, Illinois, and authorized to engage in interstate transportation under U.S. DOT number 19242, and authorized to do business in Illinois under Illinois Commerce Commission number 31795.
- 3) On August 10, 2022, and at all times relevant, Michel Gilbert was a Canadian resident who regularly operated a tractor-trailer in and through Will County, Illinois.
- 4) On August 10, 2022, Michel Gilbert was the duly authorized agent or employee of Gosselin Express, Ltee, and was driving under the operating authority of Gosselin Express, Ltee, such that Gosselin Express, Ltee, is vicariously liable for the negligent acts and omissions of Michel Gilbert.
- 5) On August 10, 2022, Michel Gilbert was operating a 2020 Peterbuilt T17 tractor trailer with license plates RG7969L, exiting the property of 1400 Remington Blvd., Bolingbrook, Will County, Illinois, with the intention of turning left onto Remington Blvd., and proceeding northbound on Remington Blvd.
- 6) At that same time and place, Plaintiff's decedent, Eric Vukmir was proceeding southbound on Remington Blvd., near the private drive for 1400 Remington Blvd., Bolingbrook, Will County, Illinois.
- 7) That it then and there became and was the duty of the Defendant, Michel Gilbert, to exercise due care for the safety of other motorists, including but not limited to Plaintiff.

8) Notwithstanding the aforesaid duty, Defendant, Michel Gilbert, breached that duty in one or more of the following careless and negligent ways:

- a) Did not keep a proper lookout;
- b) Operated the vehicle at a speed greater than was reasonable and proper under the existing circumstances, contrary to and in violation of 625 ILCS 5/11-601;
- c) Did not reduce speed to avoid a collision, contrary to and in violation of 625 ILCS 5/11-601;
- d) Did not yield the right of way to all vehicles approaching on the highway when exiting a private drive and crossing a highway, contrary to and in violation of 625 ILCS 5/11-906;
- e) Operated a vehicle while fatigued;
- f) Pulled in front of a motorcycle when it was unsafe to do so;
- g) Did not decrease his speed so as to avoid colliding with the automobile which plaintiff was driving, contrary to and in violation of 625 ILCS 5/11-601; and,
- h) Otherwise carelessly and negligently operated the vehicle.

9) As a direct and proximate result of one or more of the foregoing negligent acts or omissions, the tractor-trailer operated by Defendant Gilbert entered the lane of travel of Plaintiff's decedent when it was unsafe to do so, resulting in a collision between the motorcycle operated by Plaintiff's decedent and the tractor-trailer operated by Defendant Gilbert.

10) As a direct and proximate result of the collision between the tractor-trailer and the motorcycle, the Plaintiff sustained personal injuries and died.

11) Plaintiff's decedent is survived by his daughter, M.V., a minor, age 4. Anayeli Regalado is the mother of M.V., a minor.

12) That by virtue of the foregoing, M.V. has been deprived of the love, affection, care, attention, companionship, comfort, guidance, and protection of Eric Vukmir, and has in the past and will in the future experience grief, sorrow and mental suffering.

13) This claim is brought pursuant to the Illinois Wrongful Death Act, 740 ILCS 108/1, et. seq., which was in full force and effect at the time of the death of the decedent.

14) By virtue of the foregoing, Defendant Gosselin Express, Ltee, is vicariously liable for the negligent acts and omissions of Michel Gilbert.

WHEREFORE the Plaintiff, Anayeli Regalado, as Special Administrator of the Estate of Eric Vukmir, deceased, and on behalf of M.V., a minor, as her legal guardian, by and through her attorneys, Parente & Norem, P.C. and The Tomczak Law Group, pray for judgment against Defendant Gosselin Express, Ltee, in excess of the jurisdictional limits of this Court, plus costs of this fees, costs and interest, together with all other relief this Court deems just and proper.

Count III – Survival Act – Michel Gilbert

1) On August 10, 2022, and at all times relevant herein, Plaintiff's decedent, Eric Vukmir, was a resident of Will County.

2) On August 10, 2022, and at all times relevant herein, Defendant Gosselin Express, Ltee was a Canadian corporation doing business in Will County, Illinois, and authorized to engage in interstate transportation under U.S. DOT number 19242, and authorized to do business in Illinois under Illinois Commerce Commission number 31795.

3) On August 10, 2022, and at all times relevant, Michel Gilbert was a Canadian resident who regularly operated a tractor-trailer in and through Will County, Illinois.

4) On August 10, 2022, Michel Gilbert was the duly authorized agent or employee of Gosselin Express, Ltee, and was driving under the operating authority of Gosselin Express, Ltee.

5) On August 10, 2022, Michel Gilbert was operating a 2020 Peterbuilt T17 tractor trailer with license plates RG7969L, exiting the property of 1400 Remington Blvd., Bolingbrook, Will County, Illinois, with the intention of turning left onto Remington Blvd., and proceeding northbound on Remington Blvd.

6) At that same time and place, Plaintiff's decedent, Eric Vukmir was proceeding southbound on Remington Blvd., near the private drive for 1400 Remington Blvd., Bolingbrook, Will County, Illinois.

7) That it then and there became and was the duty of the Defendant, Michel Gilbert, to exercise due care for the safety of other motorists, including but not limited to Plaintiff.

8) Notwithstanding the aforesaid duty, Defendant, Michel Gilbert, breached that duty in one or more of the following careless and negligent ways:

- a) Did not keep a proper lookout;
- b) Operated the vehicle at a speed greater than was reasonable and proper under the existing circumstances, contrary to and in violation of 625 ILCS 5/11-601;
- c) Did not reduce speed to avoid a collision, contrary to and in violation of 625 ILCS 5/11-601;
- d) Did not yield the right of way to all vehicles approaching on the highway when exiting a private drive and crossing a highway, contrary to and in violation of 625 ILCS 5/11-906;
- e) Operated a vehicle while fatigued;
- f) Pulled in front of a motorcycle when it was unsafe to do so;

- g) Did not decrease his speed so as to avoid colliding with the automobile which plaintiff was driving, contrary to and in violation of 625 ILCS 5/11-601; and,
- h) Otherwise carelessly and negligently operated the vehicle.

9) As a direct and proximate result of one or more of the foregoing negligent acts or omissions, the tractor-trailer operated by Defendant Gilbert entered the lane of travel of Plaintiff's decedent when it was unsafe to do so, resulting in a collision between the motorcycle operated by Plaintiff's decedent and the tractor-trailer operated by Defendant Gilbert.

10) As a direct and proximate result of the collision between the tractor-trailer and the motorcycle, the Plaintiff sustained personal injuries and died.

11) That between the time of his injury and the time of his death, Plaintiff's decedent endured conscious pain and suffering as a result of the injuries sustained in the collision.

12) This action is brought pursuant to 755 ILCS 5/27-6, because Plaintiff's decedent, Eric Vukmir, would have been entitled to bring said suit had he survived.

WHEREFORE the Plaintiff, Anayeli Regalado, as Special Administrator of the Estate of Eric Vukmir, deceased, and on behalf of M.V., a minor, as her legal guardian, by and through her attorneys, Parente & Norem, P.C. and The Tomczak Law Group, pray for judgment against Defendant Michel Gilbert, in excess of the jurisdictional limits of this Court, plus costs of this fees, costs and interest, together with all other relief this Court deems just and proper.

Count IV – Survival Action – Gosselin Express, Ltee.

1) On August 10, 2022, and at all times relevant herein, Plaintiff's decedent, Eric Vukmir, was a resident of Will County.

2) On August 10, 2022, and at all times relevant herein, Defendant Gosselin Express, Ltee was a Canadian corporation doing business in Will County, Illinois, and authorized to engage in interstate transportation under U.S. DOT number 19242, and authorized to do business in Illinois under Illinois Commerce Commission number 31795.

3) On August 10, 2022, and at all times relevant, Michel Gilbert was a Canadian resident who regularly operated a tractor-trailer in and through Will County, Illinois.

4) On August 10, 2022, Michel Gilbert was the duly authorized agent or employee of Gosselin Express, Ltee, and was driving under the operating authority of Gosselin Express, Ltee.

5) On August 10, 2022, Michel Gilbert was operating a 2020 Peterbuilt T17 tractor trailer with license plates RG7969L, exiting the property of 1400 Remington Blvd., Bolinbrook, Will County, Illinois, with the intention of turning left onto Remington Blvd., and proceeding northbound on Remington Blvd.

6) At that same time and place, Plaintiff's decedent, Eric Vukmir was proceeding southbound on Remington Blvd., near the private drive for 1400 Remington Blvd., Plainfield, Will County, Illinois.

7) That it then and there became and was the duty of the Defendant, Michel Gilbert, to exercise due care for the safety of other motorists, including but not limited to Plaintiff.

8) Notwithstanding the aforesaid duty, Defendant, Michel Gilbert, breached that duty in one or more of the following careless and negligent ways:

a) Did not keep a proper lookout;

- b) Operated the vehicle at a speed greater than was reasonable and proper under the existing circumstances, contrary to and in violation of 625 ILCS 5/11-601;
- c) Did not reduce speed to avoid a collision, contrary to and in violation of 625 ILCS 5/11-601;
- d) Did not yield the right of way to all vehicles approaching on the highway when exiting a private drive and crossing a highway, contrary to and in violation of 625 ILCS 5/11-906;
- e) Operated a vehicle while fatigued;
- f) Pulled in front of a motorcycle when it was unsafe to do so;
- g) Did not decrease his speed so as to avoid colliding with the automobile which plaintiff was driving, contrary to and in violation of 625 ILCS 5/11-601; and,
- h) Otherwise carelessly and negligently operated the vehicle.

9) As a direct and proximate result of one or more of the foregoing negligent acts or omissions, the tractor-trailer operated by Defendant Gilbert entered the lane of travel of Plaintiff's decedent when it was unsafe to do so, resulting in a collision between the motorcycle operated by Plaintiff's decedent and the tractor-trailer operated by Defendant Gilbert.

10) As a direct and proximate result of the collision between the tractor-trailer and the motorcycle, the Plaintiff sustained personal injuries and died.

11) That between the time of his injury and the time of his death, Plaintiff's decedent endured conscious pain and suffering as a result of the injuries sustained in the collision.

12) This action is brought pursuant to 755 ILCS 5/27-6, because Plaintiff's decedent, Eric Vukmir, would have been entitled to bring said suit had he survived.

13) By virtue of the foregoing, Defendant Gosselin Express, Ltee, is vicariously liable for the negligent acts and omissions of Michel Gilbert.

WHEREFORE the Plaintiff, Anayeli Regalado, as Special Administrator of the Estate of Eric Vukmir, deceased, and on behalf of M.V., a minor, as her legal guardian, by and through her attorneys, Parente & Norem, P.C. and The Tomczak Law Group, pray for judgment against Defendant Gosselin Express, Ltee, in excess of the jurisdictional limits of this Court, plus costs of this fees, costs and interest, together with all other relief this Court deems just and proper.

*****Plaintiff demands trial by jury*****

Respectfully Submitted,

PARENTE & NOREM, P.C.

By:/s/ Dennis M. Lynch
Dennis M. Lynch

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**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL DISTRICT
WILL COUNTY, ILLINOIS**

SUPREME COURT RULE 222(B) AFFIDAVIT

The undersigned upon being first duly sworn upon oath, deposes and states that Plaintiff seeks monetary damages in this cause of action that exceed \$50,000.00

PARENTE & NOREM, P.C.

By: /s/ Dennis M. Lynch
Dennis M. Lynch

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